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PAUL GREG ROBERDS,
individually and on behalf of all others similarly situated

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Attorneys for Defendants
HEAVENLY VALLEY, LIMITED PARTNERSHIP
and THE VAIL CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL GREG ROBERDS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE VAIL CORPORATION WHICH WILL
DO BUSINESS IN CALIFORNIA AS VAIL
RESORTS MANAGEMENT COMPANY, a
Colorado Corporation; HEAVENLY
VALLEY, LIMITED PARTNERSHIP, a
Nevada Limited Partnership; and DOES 1-50,
inclusive,

Defendants.

Case No. 2:21-cv-02251-WBS-DB

**JOINT STATUS REPORT AND REQUEST
TO CONTINUE STATUS CONFERENCE;
ORDER**

Related to: 2:21-cv-00107 WBS DB
2:21-cv-01260 WBS DB
2:21-cv-01608 WBS DB

Complaint Filed: September 8, 2021
Trial Date: None
District Judge: Hon. William B. Shubb
Courtroom 5, Sacramento
Magistrate Judge: Hon. Deborah Barnes
Courtroom 27, Sacramento

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Federal Rules of Civil Procedure 16, 23(e), and 41(a), plaintiff PAUL GREG
3 ROBERDS (“Plaintiff”) and defendants THE VAIL CORPORATION DBA VAIL RESORTS
4 MANAGEMENT COMPANY and HEAVENLY VALLEY, LIMITED PARTNERSHIP
5 (“Defendants”) (collectively the “Parties”), hereby submit this joint status report regarding the
6 status of the case and settlement approval process in this Action and four other related cases:
7 *Gibson v. The Vail Corporation*, Case No. 2:21-cv-01260-WBS-DB (E.D. Cal.) (“*Gibson*”);
8 *Hamilton v. Heavenly Valley, Limited Partnership*, 2:21-cv-01608-WBS-DB (E.D. Cal.)
9 (“*Hamilton I*”); *Hamilton v. Heavenly Valley, Limited Partnership*, SC20210148 (El Dorado
10 County Superior Court) (“*Hamilton II*”); and *Heggen v. Heavenly Valley, Limited Partnership*,
11 Case No. 2:21-cv-00107-WBS-DB (E.D. Cal.) (“*Heggen*”).

12 WHEREAS, on December 28, 2021, the Parties executed a formal, long-form Settlement
13 Agreement that fully and finally resolves all claims in the Action, pending court approval, as well
14 as claims pled in related cases *Hamilton I*, *Gibson*, *Hamilton II*, and *Roberds* (“the Settlement”);

15 WHEREAS, after considering all final approval papers, all objections to the Settlement, and
16 oral argument from objectors at a hearing on June 17, 2022, and the arguments of counsel and
17 other individuals at a final approval hearing on August 19, 2022, the El Dorado County Superior
18 Court entered an Order in the *Hamilton II* action on August 19, 2022 granting Plaintiffs’ Motion
19 for Final Approval of the Settlement (“Final Approval Order”).

20 WHEREAS the Final Approval Order made the following findings concerning the
21 Settlement, which covers the claims in this Action, among others:

- 22 • The Settlement is fair, adequate and reasonable;
- 23 • The distribution of the Notice to effectuate the Settlement has been completed in
24 conformance with the El Dorado Superior Court’s February 1, 2022 Order Granting
25 Preliminary Approval; the El Dorado Superior Court’s March 8, 2022 Order
26 Extending Time to Issue Notice of Class Settlement; and the El Dorado Superior
27 Court’s Order Granting Plaintiffs’ Unopposed Ex Parte Application to Permit
28 Dissemination of a Supplemental Text Message Notice and to Extend the Response

Deadline to May 20, 2022;

- The Notice was adequate, satisfied due process requirements, and was the best notice practicable under the circumstances;
- The Settlement Agreement is binding on all Settlement Class Members who have not timely opted out.
- A Class is certified for settlement purposes only, which is defined as all non-exempt employees who at any time during the Covered Period worked for and were employed by Vail (including Defendant in this action) in the United States and worked primary at one of its resort locations or mountain facilities, with limited exclusions.
- Judgment is entered.
- El Dorado Superior Court will retain jurisdiction over the Parties to enforce the terms of the Judgment pursuant to California Rule of Court 3.769(h);

WHEREAS the Settlement provides that Plaintiffs will dismiss this action with prejudice within 28 days that the Final Approval Order becomes a final, non-appealable order;

WHEREAS, on or around September 24, 2022, non-parties John Linn and Mark Molina filed a motion to set aside and vacate judgment in *Hamilton II*, which the trial court denied on November 14, 2022;

WHEREAS, on December 1, 2022, non-parties filed a notice of appeal concerning the order denying the motion to set aside and vacate judgment in *Hamilton II*;

WHEREAS the Respondents' Briefs were filed January 19, 2024;

WHEREAS Appellants' Reply Brief is currently due April 8, 2024;

WHEREAS, as of today's date, the Court of Appeal has not yet set a hearing date for the appeal;

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1 NOW THEREFORE, the Parties hereby jointly request that this Court continue the March
2 25, 2025 Status Conference for a period of four (4) months, or July 24, 2024, or as soon thereafter
3 as the Court's calendar permits.

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5 DATED: March 11, 2024

JAMES HAWKINS APLC

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8 By: /s/ Gregory Mauro

James R. Hawkins
Gregory Mauro
Michael Calvo
Jeanne Sarmiento

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11 Attorneys for Plaintiff
PAUL GREG ROBERDS, individually and on
12 behalf of all others similarly situated

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14 DATED: March 11, 2024

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17 By: /s/ Melis Atalay

Evan R. Moses
Melis Atalay

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19 Attorneys for Defendants
HEAVENLY VALLEY, LIMITED
20 PARTNERSHIP and THE VAIL
CORPORATION
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ORDER

The Court having reviewed the foregoing stipulation, and GOOD CAUSE APPEARING THEREFOR, the Court orders as follows:

(1) The Parties shall file a Joint Status Report addressing the status of the Settlement and any additional information that the Court requires, on July 15, 2024.

(2) A Status Conference Re Class Action Settlement is set for **July 29, 2024 at 1:30 pm.**

IT IS SO ORDERED.

Dated: March 12, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE